

PATENT**REMARKS**

The Office Action dated December 28, 2005 has been received and considered. In this Response, claim 48 has been canceled without prejudice or disclaimer. Reconsideration of the outstanding rejections therefore is respectfully requested.

Allowability of Claims 1, 8-10, 16-18, 28, 31, 32, 34-38, 41-43, 45, 46, and 51-53

The Applicants note with appreciation the indication at page 6 of the Office Action that claims 1, 8-10, 16-18, 28, 31, 32, 34-38, 41-43, 45, 46, and 51-53 are allowed.

Obviousness Rejection of Claims 11-13 and 48

At page 2 of the Office Action, claims 11-13 and 48 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Kawasaki (U.S. Patent No. 6,332,196 B1), in view of Nishihara (U.S. Patent No. 6,456,702 B2). This rejection is respectfully traversed.

Independent claim 11, from which claims 12 and 13 depend, recites the features of identifying an operating characteristic of an instruction buffer, the operating characteristic comprising at least one of a buffer fullness or a rate of change of a number of pending instructions stored in the instruction buffer, and adjusting a system characteristic based on the operating characteristic, wherein a power consumption of a system is modified based on the system characteristic and wherein adjusting the system characteristic includes modifying a clock speed. The Office Action asserts that the proposed combination of Kawasaki and Nishihara discloses or suggests each of these features. Specifically, the Office Action asserts that Kawasaki discloses every feature of claim 11 other than the feature of wherein adjusting the system characteristic includes modifying a clock speed, of which the Office Action relies on the teachings of Nishihara. The Applicants respectfully disagree and submit that not only does the proposed combination of Kawasaki and Nishihara fail to disclose or suggest the particular combination of features recited by claim 11, there is no motivation to combine these references as proposed by the Office Action.

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Kawasaki discloses a disk control apparatus whereby a buffer memory used for storing data being transferred between a host and a disk controller is monitored and a signal representative of the buffer status is provided to a CPU, whereby the CPU can start and stop the supply of power to a circuit that controls re-operation from a disk based on the indicated buffer status. *See Kawasaki, Abstract; see also Id.*, col. 9, lines 9-20. Thus, the buffer of Kawasaki referenced by the Office Action is a read/write buffer used to buffer read and write transactions of a disk drive. In contrast, claim 11 recites the feature of an instruction buffer. One of ordinary skill in the art will readily appreciate that the read/write buffer of Kawasaki is not the same as or equivalent to an instruction buffer, as would be understood from the context of claim 11. Thus, the combination of the teachings of Kawasaki and Nishihara would not result in the recited features of claim 11, as neither Nishihara nor Kawasaki discloses or suggests the claimed features of identifying an operating characteristic of an instruction buffer.

As another issue, one of ordinary skill in the art would find no motivation to combine the teachings of Kawasaki and Nishihara. As noted above, Kawasaki teaches a method whereby a "circuit which controls read operation for reading data from a disk" is supplied with power by a CPU based on a buffer indicator. In contrast, Nishihara teaches an apparatus for connecting a first network and a second network operating at different clock frequencies. Nishihara fails to disclose or suggest that the clock adjustment scheme is performed for the purpose of modification of power consumption in the system in any manner. Moreover, Kawasaki discloses that the buffer indicator is used to power-up or power-down control circuitry used to control read operations for a disk drive. One of ordinary skill in the art would appreciate that the modification of a clock used in a disk drive would have no effect on saving power consumption in view of the selective powering of this control circuitry. Accordingly, because the system Kawasaki is directed to the read/write buffer of a disk drive and Nishihara is directed to a buffer in a device between two networks, one of ordinary skill in the art would find no motivation to combine the teachings of Kawasaki and Nishihara as proposed to arrive at the claimed features of claim 11.

In view of the foregoing, it is respectfully submitted that the proposed combination of Kawasaki and Nishihara fails to disclose each and every feature of independent claim 11, as well as the additional features of dependent claims 12 and 13. Moreover, one of ordinary skill in the

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art would find no motivation to combine the teachings of Kawasaki and Nishihara as proposed by the Office Action. Claim 48 has been canceled, thereby obviating this rejection. Accordingly, it is respectfully submitted that the obviousness rejection of claims 11-13 and 48 is improper at this time. Reconsideration and withdrawal of this rejection therefore is respectfully requested.

Obviousness Rejection of Claim 13

At page 4 of the Office Action, claim 13 is rejected under 35 U.S.C. § 103(a), as being unpatentable over Kawasaki (US 6,332,196 B1), in view of Nishihara (US 6,456,702 B2) and further in view of Bucher (US 6,678,737). This rejection is respectfully traversed.

Claim 13 depends from claim 11. As noted above, the proposed combination of Kawasaki and Nishihara fails to disclose or suggest at least one feature recited by claim 11. The Office Action does not assert that Bucher discloses or suggests those features of claim 11 lacking in the teachings of Kawasaki and Nishihara, nor in fact does Bucher disclose or suggest these features. Accordingly, the proposed combination of Kawasaki, Nishihara, and Bucher fails to disclose or suggest the features of claim 13 at least by virtue of its dependency from claim 11. Moreover, claim 13 recites additional novel subject matter. Accordingly, it is respectfully submitted that the obviousness rejection of claim 13 is improper at this time. Reconsideration and withdrawal of this rejection therefore is respectfully requested.

Conclusion

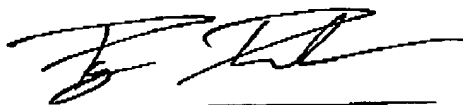
It is respectfully submitted that the present application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

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The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-0441.

Respectfully submitted,

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Date



Ryan S. Davidson, Reg. No. 51,596,
TOLER, LARSON & ABEL, L.L.P.
5000 Plaza On The Lake, Suite 265
Austin, Texas 78746
(512) 327-5515 (phone)
(512) 327-5452 (fax)